



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, OCTOBER 12, 2011

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue, Units 115A and 115B (The Esplanade) (Per Letter Dated September 21, 2011, from Bob Waskiewicz).
2. Request for Waiver of Section 42-199, Hours of Construction Work, at 235-C Worth Avenue (Per Letter Dated September 29, 2011, from Jason Ball).
3. Request for Waiver of Section 42-199, Hours of Construction Work, at 351/347 Worth Avenue (Everglades Club) (Per Letter Dated September 9, 2011, from Maura A. Ziska).

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #25-2011** The application of Johnny Meier, President, FEDCO, Inc.; relative to property commonly known as **2875 So. Ocean Blvd.**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant requests a special exception approval pursuant to Condition #2 in the original approval in 1980 to construct the existing building in the subject property (Special Exception #25-1980). The condition requires any retail applicant to contain Town Council approval for any use other than office and professional services. This request is to allow Fedco to operate a retail pharmacy in suite 103 of the first floor of the subject property containing 1,879 square feet. Site Plan Review approval is requested to convert approximately 1,879 sq. ft. of existing rentable floor area in suite 103 of the first floor to allow Fedco to operate a retail pharmacy. [Representative: Johnny Meier]

(1) Declaration of Use Agreement

Request for Deferral to the November 10, 2011,

***Town Council Meeting Per Memorandum Dated
September 30, 2011, from John S. Page, Director,
Planning, Zoning, and Building Department.***

- b. **VARIANCE #21-2011** The application of Robert Holuba relative to property commonly known as **1500 Lake Court**; described Lot B, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the addition of a "T" shaped dock with an outside length of 34 feet with two wood mooring pile clusters that will be 62 feet from the bulkhead in lieu of the 6 foot maximum allowed and the installation of two inside boat lifts associated with an existing 6 foot marginal dock. [Attorney: Gregory S. Kino]
Deferred from the October 12, 2011, Town Council Meeting.
- c. **VARIANCE #23-2011** The application of Stephen & Anne Marie Haymes; relative to property commonly known as **146 Seminole Avenue**; described as The West 40 feet of Lot 9, all of Lot 10, and the East 10 feet of Lot 3, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, according to the plat thereof, recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a second story addition that would enclose a 169 square foot balcony and would result in a cubic content ratio of 4.32 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.]
Deferred from the September 14, 2011, and October 12, 2011, Town Council Meetings (Special Circumstances).

2. New Business

- a. **VARIANCE #25-2011** The application of 11 Vita Serena LLC (Jeffrey and Marsha Perelman); relative to property commonly known as **181 Clarendon Avenue**; described as Lot 11, VITA SERENA according to the plat thereof, recorded in Plat Book 9, Page 59, of the Public Records of

Palm Beach County, Florida; located in the R-A Zoning District. The applicant requests a variance to construct a 357.75 square foot loggia addition to the rear of their house. The variances requested for the loggia addition are as follows: rear yard setback of 12.5 feet in lieu of the 15 foot minimum required in the R-A Zoning District; lot coverage of 29.47 % in lieu of the 27.55 % existing and the 25 % maximum allowed in the R-A Zoning District. [Attorney: Maura A. Ziska]
[Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

- b. **VARIANCE #26-2011** The application of Grier and Kristy Pressly; relative to property commonly known as **242 Seaspray Avenue**; described as Lots 421 and 423, POINCIANA PARK 2nd Addition, according to the plat thereof, recorded in Plat Book 6, Page 86, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a 161 square foot addition to add a front porch onto their house. The variances being requested for the addition are as follows: cubic content ratio of 4.62 in lieu of the 4.39 existing and maximum allowed in the R-B Zoning District; front yard setback of 22.3 feet in lieu of the 25 foot minimum allowed in the R-B Zoning District; lot coverage of 38.2 % in lieu of the 36 % existing and the 30 % maximum allowed in the R-B Zoning District; East side yard setback of 4.2 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.]
- c. **VARIANCE #27-2011** The application Lee Kellogg Sadrian and Cynthia Kellogg; relative to property commonly known as **17 Middle Road**; described as Lots 33 and 34, SINGER ADDITION to the Town of Palm Beach, according to the plat thereof, recorded in Plat Book 8, Page 81, of the Public Records of Palm Beach County, Florida.; located in the R-A Zoning District. The applicant requests a variance to construct a 687 square foot two story garage to replace an existing garage which is proposed to be converted into living space on the property. In order to

construct the proposed addition, a variance is requested to have a side yard setback of 5.2 feet in lieu of the 15 foot minimum required in the R-A Zoning District.

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 6-1.]

d. **SPECIAL EXCEPTION #29-2011 WITH VARIANCE**

The application of Thomas Moloney and Jan S. Moloney; relative to property commonly known as **1170 North Ocean Blvd.**; described as Lots 6 and 7, and the North 15 feet of Lots 9 and 10, Replat of part of EL ENCANTO, according to the plat thereof as recorded in Plat Book 18, Page 95, Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant requests a variance to construct a 440 square foot beach cabana on property across the street from the main residence, which is in the R-B Zoning District. Variances are requested to construct a beach cabana with a dimension of 24 feet by 20 feet in lieu of the 10 feet by 20 feet maximum allowed and with an area of 440 square feet in lieu of the 200 square foot maximum allowed in the Beach Area District. [Attorney: Maura A. Ziska]

- e. **SPECIAL EXCEPTION #30-2011** The application of New Bradley House, LTD and Paramount Church, Inc.; relative to property commonly known as **290 Sunset Avenue and 139 No. County Road**; described as The East 10 feet of Lot 30 and all of Lots 31-37 inclusive, FLORAL PARK, a subdivision in the Town of Palm Beach, Florida, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach, Florida, in Plat Book 2, Page 6 AND Lots 164 through 172 less the West 15 feet of Lots 166 through 172, inclusive, FLORAL PARK, a subdivision in the Town of Palm Beach, Florida, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach, Florida, in Plat Book 2 Page 6.; located in the C-TS Zoning District. The applicant requests a special exception use to allow the operation of a 3,500 square foot gross leasable area restaurant “Trevini Ristorante” with 106 seats (28 of those outdoors) in the Bradley House hotel building and courtyard area. Since the proposed restaurant is in excess of 3,000 square feet, a finding of town serving is required. The applicant is proposing to abide by all conditions of

approval of the previous restaurant. Special exceptions are requested to allow 28 of the indoor seats to be outside in the courtyard and to locate 30 off-site shared supplemental parking spaces at the Paramount Church parking lot located at 139 North County Road. [Attorney: Maura A. Ziska]

D. Other

1. Request to Study a Proposal Which Would Allow Property Owners to Split Joined Condominiums into the Original Number of Units.

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.